

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

NATIONAL LABOR RELATIONS BOARD,	:	
	:	
Petitioner,	:	
	:	
v.	:	No. 14-1669, et al.
	:	
PARK AVENUE INVESTMENT	:	Hon. Stephanie Dawkins
ADVISOR, LLC, HOTEL MANAGEMENT	:	Davis appointed as
ADVISORS-TROY, LLC, 5500	:	Special Master
MANAGEMENT, LLC, QUANTUM	:	
HOTELS, LLC, METROPOLITAN	:	
LODGING, LLC, and WICK ROAD	:	
HOTEL MANAGEMENT, LLC,	:	
a Single-Integrated Enterprise, a Single	:	
Employer, and Alter Egos,	:	
	:	
Respondents,	:	
	:	
and	:	
	:	
REMO POLSELLI, and	:	
HANNA KARCHO,	:	
	:	
Individual Respondents.	:	

STIPULATION FOR ENTRY OF CONSENT ORDER

Subject to the approval of the United States Court of Appeals for the Sixth Circuit, the National Labor Relations Board (the “Board”), Respondents Park Avenue Investment Advisor, LLC, Hotel Management Advisors-Troy, LLC, 5500 Management, LLC, Quantum Hotels, LLC, Metropolitan Lodging, LLC, Wick

Road Hotel Management, LLC, and Individual Respondents Remo Polselli and Hanna Karcho hereby stipulate and agree as follows:

1. On September 10, 2012, June 4, 2013, January 2, 2014, April 9, 2014, June 24, 2014, September 29, 2014, and on April 20, 2016, this Court entered its judgments in Nos. 12-1787, 12-2613, 13-2089, 13-2491, 14-1282, 14-1669, and 16-1175 (collectively the "Judgments"), respectively, requiring among other things, Respondent LLCs, their officers, agents, successors, and assigns, to make whole monetarily their employees; UNITE HERE, Local 24, AFL-CIO; International Union of Operating Engineers (IUOE), Local 324; and various employee insurance funds to remedy violations of the National Labor Relations Act, 29 U.S.C. §§ 151-169.

2. The Court's Judgments, described above, have been in full force since their entry, and at all material times Respondents LLCs and Individual Respondents Remo Polselli and Hanna Karcho have had notice and knowledge of the terms thereof.

3. Following issuance of the Court's Judgments, the Board's Contempt, Compliance, and Special Litigation Branch commenced investigations into allegations that Respondent LLCs had been failing and refusing to comply with those Judgments. Following completion of its investigations, the Board initiated civil contempt proceedings against Respondent LLCs and their members, Remo

PolSELLi and Hanna Karcho, by filing a Petition for Adjudication in Civil Contempt and for Other Civil Relief (the “contempt petition”) in this Court on August 21, 2015.

4. The Board, Respondent LLCs, and Individual Respondents Remo PolSELLi and Hanna Karcho agree that the allegations in the contempt petition will be resolved and disposed of completely by entry of the attached proposed Consent Order, which has been agreed to by the parties, without admission of liability.

5. The parties agree that this Stipulation and proposed Consent Order contain the entire agreement between the parties, and there is no other agreement of any kind, verbal or otherwise, with respect to the subjects of this Stipulation and the proposed Consent Order.

6. The parties agree that Respondent LLCs and Individual Respondents Remo PolSELLi and Hanna Karcho are jointly and severally liable for remitting to the Board the total amount of \$150,000.00, in accordance with the payment schedule set forth in paragraph no. 7. These funds, along with other funds that the Board previously collected from Respondent LLCs, will be distributed by the Board to fully satisfy Respondent LLCs’ monetary obligations set forth in this Court’s Judgments, described in paragraph no. 1 above, and to satisfy Respondent LLCs’ monetary obligations set forth in two judgments that the Board obtained in the United States District Court for the Eastern District of Michigan against Hotel

Management Advisors Troy, LLC, in No. 2:13-mc-50231-SFC-DRG (entered on April 17, 2013), and against Park Avenue Investment Advisor, LLC, in No. 2:13-mc-51749 (entered on January 21, 2014).

7. The parties agree that Respondent LLCs and Individual Respondents Remo Polselli and Hanna Karcho will pay the \$150,000.00 described in paragraph no. 6 above, by remitting \$30,000.00 to the Board within three (3) days of execution of this stipulation by the parties, and by thereafter making six (6) additional payments in the amount of \$20,000.00 on or before the 30th day of each month, commencing March 30, 2018, with the final installment payment to be made on or before August 30, 2018.

8. The parties agree that upon execution of this stipulation, they will jointly move Honorable Stephanie Dawkins Davis, who was appointed by this Court to serve as Special Master in this case, to recommend to this Court that it approve this Stipulation for Entry of Consent Order and enter the parties' proposed Consent Order.

9. The parties agree that upon entry of the Consent Order by this Court, the Board will move the United States District Court for the Eastern District of Michigan for withdrawal of the Board's First Amended Application for Post-Judgment Writ of Garnishment, filed on November 21, 2017, in No. 2:17-mc-51564-SJM-MKM.

10. The parties further agree that upon the Board's receipt of \$150,000.00 from Respondent LLCs and Individual Respondents Remo Polselli and Hanna Karcho, the Board will move the United States District Court for the Eastern District of Michigan to vacate the aforementioned Judgments entered against Hotel Management Advisors Troy, LLC, in No. 2:13-mc-50231-SFC-DRG, and against Park Avenue Investment Advisor, LLC, in No. 2:13-mc-51749, with prejudice.

11. It is expressly understood that this Stipulation and Consent Order resolve only the issues described herein and do not constitute a settlement of any other case(s) or matter(s). This Stipulation does not preclude persons from filing charges with the Board, the General Counsel of the Board from prosecuting complaints, or the Board from hearing and resolving any matter timely and properly presented under the National Labor Relations Act, 29 U.S.C. §§ 151-169, in other cases and matters regardless of whether such matters are known to the General Counsel or are readily discoverable. The General Counsel reserves the right to use evidence obtained in its investigation of this case for any relevant and material purpose in the litigation of any other case, and a judge, the Board, and the courts may make findings of fact and/or conclusions of law with respect to such evidence, provided Respondent LLCs and/or Individual Respondents Remo Polselli and Hanna Karcho have an opportunity to present evidence for

consideration by a judge, the Board and the courts which may also be the basis for findings of fact and/or conclusions of law.

PARK AVENUE INVESTMENT ADVISOR, LLC;
HOTEL MANAGEMENT ADVISORS-TROY, LLC;
5500 MANAGEMENT, LLC; QUANTUM HOTELS,
LLC; METROPOLITAN LODGING, LLC; WICK
ROAD HOTEL MANAGEMENT, LLC; REMO
POLSELLI; HANNA KARCHO

Date: 2/24/2018

/s/ Ethan R. Holtz

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NATIONAL LABOR RELATIONS BOARD

Date: 2/24/2018

/s/ William G. Mascioli

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